REMARKS

The Examiner has maintained the rejection of claims 1-10, all the claims pending in the application, under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,953,338 to Ma (hereinafter "Ma"). Applicants submit that the claims are patentable.

In the Amendment filed January 22, 2008, Applicants argued that Ma does not teach the recitation of claim 1 that a user requests a data stream after the provisioning of a plurality of virtual connections. Instead, Ma establishes connections in response to a request for a call.

In response, the Examiner asserts that the claimed user request and the claimed identifying a virtual connection after provisioning the first plurality of virtual connections are taught by col. 4, lines 18-26 which discloses that clients (users) can lease capacity (data stream) on a needed basis after virtual path groups are established. Applicants respectfully disagree with the Examiner's interpretation of Ma at least for the following reasons.

The portion of Ma cited by the Examiner discloses that capacity owned by a certain party may be requested by another party. This merely means that the capacity (bandwidth) of a virtual path within which the requested channel will be provisioned is adjusted and may be borrowed from another virtual path in order to accommodate the newly requested channel (See at least col. 8, lines 50-59). This does not indicate that a connection has already been provisioned for the requesting party.

Conversely, Ma discloses that the size of a virtual path is adjusted to provide extra capacity so that additional virtual channels can be created to accommodate a request from a client (col. 13, lines 38-41). When a client requests for a call, a centralized call admission

control/usage monitor module 145 determines what virtual paths and virtual channels will be

connected depending on a number of factors including quality of service expectations (column 7,

lines 13-26) to another client. The control module 140 determines whether to allow the virtual

connection to be setup (column 7, lines 5-8). An ATM switch 130K adjusts, alters, creates, or

destroys the actual size of the virtual path, so that, if possible, the call requested by the client can

be made (column 7, lines 31-36).

It is clear from the above discussion that Ma's virtual connections are provisioned as

needed in response to a user request for such a connection (see at least col. 7, lines 5-8 and col.

13, lines 18-58) rather than being already provisioned. Thus, Ma does not teach that a user

requests a data stream after the provisioning of a plurality of virtual connections.

Moreover, Ma does not teach that after the user has requested said data stream from said

content provider, and if the user lacks support for negotiating or acknowledging the bandwidth

through said access network with said quality of service, the method includes identifying a

virtual connection out of said plurality of provisioned virtual connections capable of

guaranteeing said quality of service between said user and said access server. Instead, Ma

discloses that the size of a virtual path is adjusted to provide extra capacity so that additional

virtual channels can be created to accommodate a request from a client (col. 13, lines 38-41).

Rather than identifying an already provisioned connection, Ma establishes a new connection in

response to a user request.

Because Ma does not teach all of the features of claim 1, Applicants submit that the claim

is not anticipated by Ma. Applicants also submit that claims 2-6, being dependent on claim 1,

are patentable at least by virtue of their dependency.

Independent claim 7 recites features similar to those discussed above in conjunction with

claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to

those discussed above regarding claim 1. Applicants also submit that claims 8-10, being

dependent on claim 7, are patentable at lest by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC   Sean M. Conner
Telephone: (202) 293-7060   Registration No. 60,840
Facsimile: (202) 293-7860

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CUSTOMER NUMBER

Date: April 30, 2008

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